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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 330)

| Complete if Known | |
|--------------------------|-----------------|
| Application Number | 09/784,660 |
| Filing Date | 2/15/2001 |
| First Named Inventor | KHAN |
| Examiner Name | DANIEL A. NOLAN |
| Art Unit | 2654 |
| Attorney Docket No. | N0084US |

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number **50-0728**
Deposit Account Name **NAVTEQ North America, LLC**

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION
1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Description | Fee Paid |
|--------------------------|---------------|------------------------|----------|
| Fee Code (\$) | Fee Code (\$) | | |
| 1001 770 | 2001 385 | Utility filing fee | |
| 1002 340 | 2002 170 | Design filing fee | |
| 1003 530 | 2003 265 | Plant filing fee | |
| 1004 770 | 2004 385 | Reissue filing fee | |
| 1005 160 | 2005 80 | Provisional filing fee | |
| SUBTOTAL (1) (\$) | | | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Independent Claims | Multiple Dependent | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------------|--------------------|--------------|----------------|----------|
| | | | -20** = | X | = |
| | | | - 3** = | X | = |
| | | | | | |

| Large Entity | Small Entity | Fee Description |
|--------------------------|---------------|--|
| Fee Code (\$) | Fee Code (\$) | |
| 1202 18 | 2202 9 | Claims in excess of 20 |
| 1201 86 | 2201 43 | Independent claims in excess of 3 |
| 1203 290 | 2203 145 | Multiple dependent claim, if not paid |
| 1204 86 | 2204 43 | ** Reissue independent claims over original patent |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$) | | |

*or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity **Small Entity**

| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------|---------------|--|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for ex parte reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 420 | 2252 210 | Extension for reply within second month | |
| 1253 950 | 2253 475 | Extension for reply within third month | |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month | |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | |
| 1401 330 | 2401 165 | Notice of Appeal | |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal | 330 |
| 1403 290 | 2403 145 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional | |
| 1501 1,330 | 2501 665 | Utility issue fee (or reissue) | |
| 1502 480 | 2502 240 | Design issue fee | |
| 1503 640 | 2503 320 | Plant issue fee | |
| 1460 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 330

(Complete if applicable)

| | | | | | |
|-------------------|----------------|-----------------------------------|--------|-----------|--------------|
| Name (Print/Type) | FRANK J. KOZAK | Registration No. (Attorney/Agent) | 32,908 | Telephone | 312 894-7371 |
| Signature | | | | | |
| Date | 8/23/2004 | | | | |

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | | | |
|--|--|------------------------|---------|
| Application Number Filing Date First Named Inventor Art Unit Examiner Name | 09/784,660 2/15/2001 KHAN 2654 NOLAN | | |
| Total Number of Pages in This Submission | 35 | Attorney Docket Number | N0084US |

ENCLOSURES (Check all that apply)

| | | |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): post card receipt |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|---|
| Firm or Individual name | Frank J. Kozak, Chief IP Counsel, NAVTEQ North America, LLC |
| Signature | |
| Date | 8/23/2004 |

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| | |
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| Typed or printed name | Frank J. Kozak |
| Signature | |
| Date | 8/23/2004 |

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PATENT
Case No. N0084US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
KHAN et al.)
Serial No. 09/784,660) Group: 2654
Title: DYNAMIC BUILDING,) Examiner:
MAINTENANCE AND USE OF) DANIEL A. NOLAN
SPATIAL WORD LIST FOR)
AUTOMATIC SPEECH)
GENERATION (as amended))
Filed: February 15, 2001)

APPEAL BRIEF

This appeal brief is submitted pursuant to 37 CFR 1.192. This is an appeal of the final Office Action dated March 24, 2004. A Notice of Appeal was filed on June 24, 2004.

(1) REAL PARTY IN INTEREST

The real party in interest is NAVTEQ North America, LLC (formerly named Navigation Technologies Corporation), a publicly-traded corporation that has its headquarters in Chicago, Illinois.

(2) RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

(3) STATUS OF CLAIMS

Claims 1-18, 20 and 21 are allowed.

Claim 19 was rejected as obvious under 35 U.S.C. § 103 over the combination of U.S. Pat. No. 6,112,174 (“Wakisaka”) and U.S. Pat. No. 5,974,419 (“Ashby”).

Claim 19 has been appealed.

(4) STATUS OF AMENDMENTS

There has been no amendment filed subsequent to the final rejection.

(5) SUMMARY OF INVENTION

Appellant’s Claim 19 relates to a system that provides geographic information (page 4, lines 13-14 and 110 in FIGS. 1 and 2). The geographic information system of Appellant’s Claim 19 includes an “*automatic speech recognition system*” (page 8, line 29 - page 9, line 10 and 260 in FIG. 2). The “*automatic speech recognition system*” of Appellant’s Claim 19 uses a “*word list*” (page 9, lines 6-14 and 262 in FIG. 4) containing “*data representations of spoken names of geographic features*. ” In order to facilitate recognition of names of geographic features, the number of words on the “*word list*” is limited to “*only a portion of all available data representations of spoken names of geographic features*” (page 9, lines 24-29). In order to select which available data representations of spoken names of geographic features to include in the “*word list*”, the “*word list*” contains a “*first part*” (460 in FIG. 4) that “*changes to include different words as the vehicle travels in the region*” (page 14, lines 26-29 and page 15, lines 22-

29). The “*first part*” includes “*words*” for “*names of geographic features in proximity to the current location of the vehicle*” (page 12, lines 22-25 and page 13, lines 5-9).

In addition to the “*first part*” (460 in FIG. 4), the “*word list*” (262 in FIG. 4) contains a “*second part*” (454 in FIG. 4). The “*second part*” (454 in FIG. 4) “*does not change . . . as the vehicle travels*” (page 12, line 16 and page 14, lines 29-30). The “*second part*” includes “*words for names of selected geographic features located throughout the region*” (page 12, lines 6-15).

Appellant’s Claim 19 further recites that both the “*first part*” and the “*second part*” are available to the “*automatic speech recognition system*” “*at the same time*” so that the words in either the “*first part*” (460 in FIG. 4) or the “*second part*” (454 in FIG. 4) of the “*word list*” (262 in FIG. 4) can be recognized (page 12, lines 5-15 and page 17, lines 3-4). This allows for recognition of names of geographic features located in proximity to the vehicle as well as recognition of names for selected geographic features, such as popular destinations (page 12, lines 10-11), not located in proximity to the vehicle.

(6) ISSUES

At issue is whether Appellant’s Claim 19 is obvious under 35 U.S.C. 103 over the combination of Wakisaka and Ashby.

(7) GROUPING OF CLAIMS

There is only one claim on appeal.

(8) ARGUMENT

Appellant's Claim 19 is not obvious over the combination of Wakisaka and Ashby because the premise for combining Wakisaka and Ashby is based on a misinterpretation of the teachings of Ashby. Moreover, even if Wakisaka and Ashby were combined, the resultant combination fails to disclose all the limitations of Appellant's Claim 19, and therefore for this additional reason, Appellant's Claim 19 is not obvious over these references.

Wakisaka discloses a speech recognition system that may be used as part of a car navigation system. (Wakisaka: column 2, lines 19-21.) The Wakisaka speech recognition system includes a plurality of dictionaries. (Wakisaka: column 2, lines 23-25.) Each dictionary contains a number of words or sentences that are made objects for speech recognition. (Wakisaka: column 2, lines 29-30.) The words or sentences in each dictionary correspond to the features located in separate geographic areas. (Wakisaka: column 5, line 36-column 6, line 38 and FIGS. 3A and 3B.) According to Wakisaka, when speech processing is to be performed, one of these dictionaries is stored in a second storage section. (Wakisaka: column 2, lines 38-44.) Wakisaka selects the dictionary to be stored in the second storage section based on the location of the vehicle. (Wakisaka: column 2, lines 50-53.) However, according to Wakisaka, only one dictionary is stored at a time in the second storage section. (Wakisaka: column 2, lines 32-34.) Since each dictionary in Wakisaka corresponds to a separate geographic area and since Wakisaka uses only one dictionary at a time, the words and sentences available for speech recognition are limited to those in the geographic area around the vehicle.

Ashby relates to a way to organize data that represents geographic features to improve performance of a navigation system that uses the data for providing navigation related functions. (Ashby: column 4, lines 12-23.) Navigation systems read geographic data from relatively slow media, such as CD-ROM disks, into memory. (Ashby: column 3, lines 10-20 and column 8, lines 20-24.) Some navigation-related functions can be performed more quickly if the data on the media is sorted into separate, smaller groupings, called parcels. (Ashby: column 3, lines 10-20.) For some navigation functions, the organization of geographic data into parcels is performed spatially. (Ashby: column 8, line 14-column 53-55.) Spatial parcelization means that the physical location of the geographic feature represented by a data entity is used to determine in which parcel the data entity is included. This has the result that geographic features that are located physically close together in the real world are represented by data entities that are physically close together in the geographic database used by the navigation system. (Ashby: column 8, lines 8-13.)

According to the final Office Action mailed March 24, 2004, the combination of Wakisaka and Ashby discloses all the features of Appellant's Claim 19, including a "word list" that has a "*1st part*" that changes as the vehicle travels and a "*2nd part*" that does not change as the vehicle travels. In the final Office Action, it was acknowledged that Wakisaka does not explicitly state that the "*2nd part*" of the "word list" "*does not change.*" (*See*, final Office Action, page 5, line 5.) However, the final Office Action indicated that it would have been obvious to modify the Wakisaka system to include a "word list" "*2nd part*" that "*does not change*" as a vehicle traveled based on the teachings of Ashby. The final Office Action stated the following about these references:

- (1) “With the invention for parcelization of geographic data for storage and use in a navigation application, Ashby describes a system simultaneously representing both destination and present position” (citing column 5, lines 38-42 of Ashby).
- (2) “This destination information reads on the feature that the word list includes a 2nd part that does not change to include different words as the vehicle travels in the region and that includes words for names of selected geographic features located throughout the region” (citing column 5, lines 30-36 of Ashby) “ . . . wherein both the 1st and the 2nd part are available to the automatic speech recognition system at the same time (particularly when representing a trip) (citing column 2, lines 42-46 of Ashby).
- (3) “It would have been obvious to a person of ordinary skill in the art of signal processing at the time of the invention to apply the method/teaching of Ashby to the device/method of Wakisaka because throughout the course of the trip destination information does not change while the present location does with the progress of the journey.”

[Final Office Action, page 5.]

The conclusion in the final Office Action that Appellant’s Claim 19 is obvious over the combination of Wakisaka and Ashby is incorrect at least for the following reasons.

1. The final Office Action misinterpreted Ashby.

First of all, the conclusion that Appellant's Claim 19 is obvious over the combination of Wakisaka and Ashby is incorrect because Ashby has been misinterpreted.¹ It is incorrect to state that the Ashby invention for parcelization of geographic data describes a system that simultaneously represents both a destination and present position. Parcelization is unrelated to how destinations or present positions are represented. Rather, parcelization refers to how the data entities that represent the geographic features located in a region are organized into groupings on a medium so that the data entities in each such grouping can be accessed and read into the memory of a system, such as a navigation system, in order to perform a navigation-related function. Ashby specifically relates to *spatial* parcelization. With *spatial* parcelization, a geographic region is divided into a large number of smaller sub-areas and then the data entities that represent the geographic features in each of the sub-areas are physically sorted and collected together to form separate parcels. The types of data records that can be parcelized using the Ashby invention include data records that represent roads, intersections, points of interest, and cartographic features. (Ashby: column 5, lines 12-19; column 6, lines 12-23; column 18, lines 28-48.)

When existing in the form of parcelized data, *none* of these data entities represents a current position or a destination *per se*. For example, there is no parcel that contains "destinations", nor is there any parcel that contains "current positions." It is

¹ For purposes of full disclosure, the undersigned points out that he is the attorney of record of the Ashby patent (U.S. Pat. No. 5,974,4109) and was responsible for assisting the inventor, Richard A. Ashby, in drafting the specification that described his invention. To the extent permitted by law, the interpretation of Ashby patent contained in this Appeal Brief should not be construed to limit the scope of the claims of the Ashby patent.

only *after* the data records are accessed from a parcel and processed by one or more navigation application programs, such as a vehicle positioning program or a destination selection program, that one of the road segment data records is determined to represent the “current position” of a vehicle and another of the road segment data records is determined to represent the “destination.” Therefore, although Ashby mentions “current positions” and “destinations”, these terms refer to the results of application programs. What constitutes a “current position” or a “destination” is determined at a stage of navigation system operation that is totally unrelated to parcelization. Thus, the fact that both a current position and a destination can be maintained in a navigation system memory simultaneously reveals nothing about how the data is organized in the parcelized database. Therefore, these teachings from Ashby would not lead one of ordinary skill in the art to modify the Wakisaka system to include a “*word list second part*” that does not change to include different words as the vehicle travels.

2. **Ashby includes no teaching that would lead one of ordinary skill in the art to modify a “*automatic speech recognition system word list*” that changes to include different words as the vehicle travels in a region, as taught by Wakisaka, to include a “*second part*” that does not change to include different words as the vehicle travels.**

Another reason why Appellant’s Claim 19 is not obvious over the combination of Wakisaka and Ashby is that Ashby provides no teaching that a “*word list*” used by an “*automatic speech recognition system*” that has a “*first part*” that changes to include different words as the vehicle travels in a region could be modified to include a “*second part*” that does not change to include different words as the vehicle travels. First, Ashby includes no disclosure about automatic speech recognition systems or about storing data, such as “*data representations of spoken names*”, that are used by speech recognition

systems. Although the parcelization invention disclosed in Ashby could be applied to the system recited in Appellant's Claim 19, it would need to be modified because Ashby does not teach parcelization of word list data. Further, Ashby does not teach about data of any type, for that matter, which includes a "*first part*" that changes to include different words as the vehicle travels and a "*second part*" that does not change to include different words as the vehicle travels. Therefore, the type of "*word list*", as recited in Appellant's Claim 19, formed of two parts, a "*first part*" that changes as the vehicle travels and a "*second part*" that does not change as the vehicle travels, is not disclosed by Ashby.

3. The combination of Ashby and Wakisaka fails to disclose all the limitations of Appellant's Claim 19.

Still another reason why Appellant's Claim 19 is not obvious over the combination of Wakisaka and Ashby is that these references, even if combined, fail to disclose all the limitations recited in the claim. The final Office Action acknowledged that Wakisaka did not disclose the "*word list second part . . . that does not change to include different words as the vehicle travels*" of Appellant's Claim 19 and referred to Ashby for disclosing this element of the claim. In the final Office Action, "*destination information*" from Ashby was identified as corresponding to the "*word list second part*" that does not change to include different words as the vehicle travels.

The rejection of Appellant's Claim 19 is in error because the "*destination information*" from Ashby fails to disclose the "*word list second part*" of Appellant's Claim 19, as asserted in the final Office Action. A "*destination*" is a single place, i.e., where a route ends. The "*word list second part that does not change to include different words as the vehicle travels in the region*" and that includes "*words for names of*

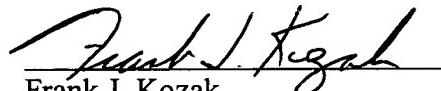
selected geographic features located throughout the region" includes by definition *plural* names. Because "*destination information*", as used in Ashby, represents a *single* place, it is not the same as a list of places throughout a region, i.e., *plural* places, as recited in Appellant's Claim 19. Therefore, even assuming that Wakisaka and Ashby were combined, the resultant combination would still fail to disclose the "*word list second part*" of Appellant's Claim 19. For this additional reason, Appellant's Claim 19 is not obvious over this combination of references.

ARGUMENT CONCLUSION

For any of the above reasons, Appellant's Claim 19 is not obvious over the combination of Wakisaka and Ashby and therefore, the rejection of Appellant's claim is in error.

Appellant respectfully requests the Board to reverse the rejection of Claim 19.

Respectfully submitted,



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(9) APPENDIX

19. A system that provides geographic information and that is formed of component systems comprising:

a positioning system that determines a current location of a vehicle in a region; an automatic speech recognition system that matches data representations of words spoken by a user of the vehicle to a word list of data representations of spoken names of geographic features,

wherein the word list of data representations of spoken names of geographic features includes only a portion of all available data representations of spoken names of geographic features, and wherein the word list includes

a first part that changes to include different words as the vehicle travels in the region such that the first part includes words for names of geographic features in proximity to the current location of the vehicle;

a second part that does not change to include different words as the vehicle travels in the region and that includes words for names of selected geographic features located throughout the region,

and wherein both the first part and the second part are available to the automatic speech recognition system at the same time.